

YOUR HONOR  
AT LEAST

RECEIVED  
SDNY DOCKET UNIT  
2017 FEB -2 AM 11:16

Order AN INJUNCTION

Temporary relief  
Order

LOST MY MOTHER

THIS TIME MY SON IS  
SIX GETTING TIRED OF THIS!!!

NORMAN JENKINS  
NYSID: 0518178R  
10-10 HAZEN STREET  
ERIC M. TALOR CORRECTIONAL FACILITY  
EAST ELMHURST, NEW YORK 11370

January 20, 2017

DAVID GRAUBARD  
RIKERS ISLAND JUDICIAL CENTER  
240 MANDANICI ROAD  
EAST ELMHURST, NEW YORK 11370

RE: DISCOVERY/JUDICIAL SUBPOENA  
WARRANT# 752838

Dear Mr. Graubard:

I am writing you in regards to requesting all discovery and a Judicial Subpoena.

On certiorari, the United States Supreme Court chief justice, noted in MORRISSEY v BREWER, 408 U.S. 484, "Fair Treatment... will enhance the chance of rehabilitation by avoiding reactions to arbitrariness." (Supra).

The New York State Administrative Procedure Act, 303 states: Except as otherwise provided by statute, the agency or one or more hearing officers designated and empowered by the agency to conduct hearings, shall be presiding officers. "Hearings shall be conducted in an impartial manner..."

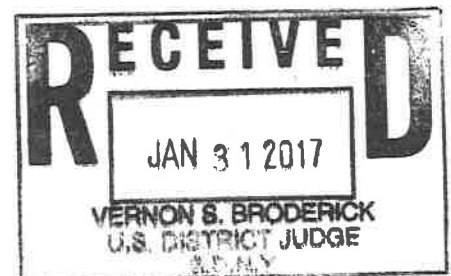
... When a presiding officer is disqualified or it becomes impractical for him to continue the hearing, another presiding officer may be assigned to continue with the case, unless, it is shown that substantial prejudice to the party will result therefrom...

13cv 3405

Norman Jenkins  
EMTC B&C #  
3491612279

10-10 Hazen St  
East Elmhurst, NY  
11370

(1)



A prosecutor (Parole Specialist), whom manufactures false evidence, might well subject the prosecutor (prs) to criminal penalties. See e.g. 18 U.S.C. 1622, (subordination of perjury), or disciplinary sanctions, See N.Y. Comp. Codes Rules and Reg. Title 1200, 33(A)(6)(2000) (DR 7-102(a)(6)). See: United state Court of Appeals Second Circuit decision Higazy v Templeton, 505 F.3d 161 ... The parolee is not the only one who has a atake in his conditional liberty. Society has a stake in whatever may be the chance of restoring him to normal and useful life, within the law of society, thus has an interest in not having parole revoked, because of erroneous information or because of an erroneous evaluation of the need to revoke parole given the breach of parole conditions. See Morrissey v Brewer, 408 U.S. at 484.

New York Executive Law Section 259-c state board of parole: functions, powers and duties, (11) Make rules for the conduct of its work. A copy of such rules and any amendments thereto to be filed by the chairman with the secretary of state. (Supra).

New York Rules and Regulations (NYCRR) 8000.4. modification of decision. In its discretion, the board may revoke or modify any of its decisions or dterminations.

NYCRR 8000.5 Parole Records. (b). The division shall cause complete records to be kept of every person on parole or conditional release. Such records shall contain the aliases and photographs of each person and the information referred to in subdivision (a) of this section, as well asc all reports of parole officers in relation to such persons.

(c). Access to case records maintained by the division of parole. (1) An inmate a releasee or counsel for either may have access to information contained in the parole case records.

NYCRR 8005.17. Hearing Schedules. (c) Adjournments (1). An application to adjourn a previously scheduled final revocation hearing must be filed with the hearing coordinator at the local area office which scheduled the hearing at least seven days in advance of the scheduled hearing date, except that: (1) For those hearings scheduled to be conducted within New York City, the application must be filed with the parole violation unit of the division of parole, located at: 314 West 40th Street, New York, N.Y. 10008... (Supra).

### DISCOVERY

1. Requesting the applications to adjourn my final hearing from 12-7-16 to 12-29-16, and the application to adjourn my final hearing for over a month from 12-29-16 to 1-31-17. (never the less the reason why).

2. Requesting the reason why the presiding hearing offices Judge Landes was disqualified from presiding over my final hearing on 12-7-16, and why Judge Cox was substituted to preside over my final hearing on 12-29-16.

3. Requesting the preliminary hearing minutes for the preliminary hearing held on 11/28/16.

4. Requesting the final hearing minutes for 12-7-16 and 12-29-16.

5. requesting on-site drug and alcohol test records.

6. Requesting all chronological reports and day sheet from 2/7/13 to 12/29/16.

7. Requesting all documents from Parole Officer James Harford concerning supervising Norman Jenkins.

8. Requesting all inquiries concerning Norman Jenkins civil claim against the division of parole.

JUDICIAL SUBPOENA

9. Requesting judicial subpoena for:

- A. Amy B. Marion, Esq.  
666 Old Country Road Suite 700  
Garden City, New York 11530.
- B. Don K. Taylor (paralegal)  
666 Old Country Road Suite 700  
Garden City, New York 11530.
- C. All telephone conversations recorded by Amy B. Marion, Esq.  
with regional director Drayton, 314 West 40th Street, New York,  
N.Y. 10018.
- D. Regional Director Warthall  
14 Bruckner Blvd.  
Bronx, New York 10054.

IN ARGUENDO

Enclosed are documents that support my position that I am being harassed and threatened by parole, whom refuse to investigate their corrupted practice... for the last seven (7) years.

Respectfully submitted

Norman Jenkins  
Norman Jenkins

Sworn before me  
this 20th day of January 2017

Notary Public  
NOTARY PUBLIC  
NKECHI IGBO

NOTARY PUBLIC-STATE OF NEW YORK

No. 011G6163948

Qualified In Queens County

My Commission Expires April 07, 2019

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

COUNTY OF BRONX ) SS:

Name of Document: DISCOVERY AND JUDICIAL SUBPOENA

NORMAN JENKINS

, being duly sworn deposes and says;

That I have on the 20 day of January, 2007, served a copy of the within, upon the below parties, by placing a copy in a pre-paid envelope, to be duly mailed via the United States Postal Service, through the institutional mailroom located at the Department of Correction, Eric M. Taylor Center, to the following concerned parties;

Respectfully Submitted,

N. Jenkins

Petitioner

B&C# 3491612279

10-10 Hazen Street

East Elmhurst, NY 11370

- \* HON. JOHN COX
- \* DAVID GRAUBARD

RIKERS ISLAND JUDICIAL CENTER  
240 MANDANICI ROAD  
EAST ELMHURST, N.Y. 11370

- \* DISTRICT JUDGE VERNON S. BRODERICK  
U.S. COURTHOUSE  
SOUTHERN DISTRICT OF NEW YORK  
40 FOLEY SQUARE  
NEW YORK, N.Y. 10007

- \* NYS BOARD OF PAROLE  
TINA M STANFORD, CHAIRWOMAN  
CENTRAL OFFICE  
97 CENTRAL AVENUE  
ALBANY, N.Y. 12206

- \* MR. ERIC SCHNEIDERMAN  
N.Y. ATTORNEY GENERAL  
120 BROADWAY  
NEW YORK, N.Y. 10271

- \* AMY B. MARION, ESQ.  
666 OLD COUNTRY ROAD SUITE 700  
GARDEN, NEW YORK 11530

Sworn to before me this

20 day of January, 2007

N. Jenkins

NOTARY PUBLIC

NKECHI IGBO

NOTARY PUBLIC-STATE OF NEW YORK

No. 01IG6163948

Qualified In Queens County

My Commission Expires April 09, 2019





STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
THE HARRIMAN STATE CAMPUS – BUILDING 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226-2050

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

MAUREEN E. BOLL  
DEPUTY COMMISSIONER AND COUNSEL

May 12, 2014

Ms. Colene Morton-Scott  
The City of New York  
Law Department  
100 Church Street  
New York, NY 10007

Re: FOIL Log. No. 14-1562  
Norman Jenkins,  
NYSID No. 05103178R

Dear Ms. Morton-Scott:

This is in response to your request for records concerning Norman Jenkins, NYSID No. 05103178R.

Attached please find records responsive to your request.

I, Kimberly Sesselman, hereby certify that the enclosed are true and accurate copies of records maintained by the State of New York Department of Corrections and Community Supervision.

Sincerely,

Kimberly Sesselman  
Administrative Assistant  
F.O.I.L. Unit

KS/csr

ATTACHMENT

cc: .Freedom of Information

DEF000271

DEF000271

CMSCHRON\* \* \*

NEW YORK STATE - DOCCS  
 COMMUNITY SUPERVISION  
 PAROLEE CHRONO REPORT  
 FROM 05/21/2010 THRU 04/15/2011

\* \* \*

DATE: 03/19/2014  
 PAGE: 2

NAME: JENKINS, NORMAN  
 NYSID: 05103178R  
 DIN: 89A3768

AREA: MANHATTAN IV  
~~SPO NAME: CROMER, BRENDA~~  
 PO NAME: HARFORD, JAMES

DATE	TIME	TYPE	ACTIVITY	LOCATION
------	------	------	----------	----------

ENTERED BY: AZEVEDO, MARIA

AREA: BRONX V

SPO NAME: DELRIO, EDWARD

PO NAME: SHAW, LELEITH

09/02/2010 12:03PM PAROLE VIOLATION UNIT

PVU-FINAL HEARIN COURT

CONTACT ADDRESS: RI JUDICIAL CTR

WARRANT #0611289. ON 09/01/2010, THE BOARD MODIFIED RECOMMENDATION OF  
 REVOKE AND RESTORE TO REVOKED AND RETURNED/HOLD 012 MONTHS.

SPO REVIEW: NONE

-----  
ENTERED BY:

AREA:

SPO NAME:

PO NAME:

08/20/2010 06:58AM FOIL CLOSED

\*REDACTED - THIS INFORMATION HAS BEEN REDACTED AS IT IS EXEMPT FROM PUBLIC  
 DISCLOSURE PURSUANT TO SECTION 87(2)(A), (B), (F), AND (G) OF THE PUBLIC  
 OFFICERS LAW AND 9 NYCRR SECTION 8000.5(C)(2)

-----  
ENTERED BY: GUZMAN, MARINA

AREA: BRONX V

SPO NAME: DELRIO, EDWARD

PO NAME: SHAW, LELEITH

08/17/2010 01:07PM PAROLE VIOLATION UNIT

PVU-PAROLE ADJRN COURT

CONTACT ADDRESS: RI JUDICIAL CTR

WARRANT NO. = 0611289, FINAL HEARING OF 08/16/2010

ADJOURNMENT REASON = PRS - FOR WITNESS

SPO REVIEW: NONE

-----  
ENTERED BY: MOORE, IVAN CRAIG

AREA: BRONX V

SPO NAME: DELRIO, EDWARD

PO NAME: SHAW, LELEITH

07/29/2010 03:27PM PAROLE VIOLATION UNIT

PVU-PAROLE ADJRN COURT

CONTACT ADDRESS: RI JUDICIAL CTR

WARRANT NO. = 0611289, FINAL HEARING OF 07/26/2010

ADJOURNMENT REASON = PRS - FOR WITNESS

SPO REVIEW: NONE

-----  
ENTERED BY: MOORE, IVAN CRAIG

AREA: BRONX V

SPO NAME: DELRIO, EDWARD

PO NAME: SHAW, LELEITH

06/29/2010 04:18PM PAROLE VIOLATION UNIT

PVU-PAROLE ADJRN COURT

CONTACT ADDRESS: RI JUDICIAL CTR

WARRANT NO. = 0611289, FINAL HEARING OF 06/28/2010

ADJOURNMENT REASON = PRS - FOR WITNESS

SPO REVIEW: NONE

-----  
ENTERED BY: BENJAMIN-HURDLE, JAMALA

AREA: BRONX V

SPO NAME: DELRIO, EDWARD

PO NAME: SHAW, LELEITH

06/14/2010 11:15AM PAROLE VIOLATION UNIT

PVU-PAROLE ADJRN COURT

CONTACT ADDRESS: RI JUDCAL CTR 3

WARRANT NO. = 0611289, FINAL HEARING OF 06/07/2010

ADJOURNMENT REASON = BY DIVISION NOTICE OF HRG

SPO REVIEW: NONE

DEF000272



CMSCHRON\* \* \*

NEW YORK STATE - DOCCS  
 COMMUNITY SUPERVISION  
 PAROLEE CHRONO REPORT  
 FROM 05/21/2010 THRU 04/15/2011

\* \* \*

DATE: 03/19/2014  
 PAGE: 3

NAME: JENKINS, NORMAN  
 NYSID: 05103178R  
 DIN: 89A3768

AREA: MANHATTAN IV  
 SPO NAME: CROMER, BRENDA  
 PO NAME: HARFORD, JAMES

DATE	TIME	TYPE	ACTIVITY	LOCATION
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ENTERED BY: WATKINS, RALPH L  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 05/26/2010 12:50PM TELEPHONE TO OTHER  
 FINAL HEARING SCHEDULED FOR 6 4 10.  
 SPO REVIEW: NONE

PO NAME: WATKINS, RALPH  
 LAW ENFORCEMENT

ENTERED BY: WATKINS, RALPH L  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 05/25/2010 05:20PM OTHER VISIT W/PAROLEE  
 SUBJECT SERVED HIS VIOLATION PAPERS AT MDC.  
 SPO REVIEW: NONE

PO NAME: WATKINS, RALPH  
 LAW ENFORCEMENT

ENTERED BY: WATKINS, RALPH L  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 05/25/2010 01:00PM OTHER WORK  
 VOP SIGNED AND SUBMITTED  
 FOR PROCESSING.  
 SPO REVIEW: NONE

PO NAME: WATKINS, RALPH

ENTERED BY: WATKINS, RALPH L  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 05/25/2010 11:30AM OTHER WORK  
 VOP COMPLETED AND SUBMITTED  
 TO TYPING.  
 SPO REVIEW: NONE

PO NAME: WATKINS, RALPH

ENTERED BY: WATKINS, RALPH L  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 05/24/2010 05:05PM LETTER TO OTHER  
 WARRANT FAXED TO MDC 212 225 1501.  
 SPO REVIEW: NONE

PO NAME: WATKINS, RALPH

ENTERED BY: PEART, WINSTON K  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 05/24/2010 04:32PM OTHER WORK  
 NEW ARREST WARRANT 0611239 ISSUED ON 05/24/2010  
 SPO REVIEW: NONE

PO NAME: WATKINS, RALPH  
 WARRANT ISSUED AREA OFFICE

ENTERED BY: PEART, WINSTON K  
 AREA: BRONX IV SPO NAME: PEART, WINSTON  
 REPORT TAKEN BY: PEART, WINSTON  
 05/24/2010 04:30PM CASE CONFERENCE

LAW ENFORCEMENT  
 DELINQUENCY  
 WARRANT ISSUED

SPO PEART DISCUSSES CASE AND ISSUE WARRANT FOR SUBJECT. PO WILL FAX CERTIFIED WARRANT TO MANHATTAN HOUSE AND WILL SERVE VOP ON SUBJECT VOP AFTER EARLY MORNING FIELD TOMORROW.  
 SPO REVIEW: 05/24/2010

2014 MAY 16 AM 9:27  
 RECEIVED 071

DEF000273

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NORMAN JENKINS,

Plaintiff,

- against -

OFFICER VICTOR CHARLES, ET AL,

Defendants.

**DEFENDANTS'  
SUPPLEMENTAL  
DISCLOSURES PURSUANT  
TO RULE 26(e)**

13 CV 3405 (KPF)

**PLEASE TAKE NOTICE**, that defendants by their attorney, Zachary W. Carter, Corporation

Counsel of the City of New York, pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, hereby supplement their disclosures as follows:

- i. The name and, if known, the address and telephone number of each individual likely to have discoverable information-along with the subjects of that information-that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.
  1. Leleith Shaw, Deputy Chief, New York State Department of Corrections and Community Supervision, Division of Parole, 14 Bruckner Avenue Bronx NY 10454 [subject and information: plaintiff's parole revocation]; and
  2. Richard Rivera, Shield 1739, FDNY-EMS, 9 MetroTech Center, 4th Floor, Brooklyn, New York 11201-3857, [subject and information: plaintiff's pre-arraignment screening].

FC9JJENF

Trial

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 NORMAN JENKINS,

4 Plaintiff,

5 v.

13 Civ. 03405 KPF

6 NEW YORK CITY POLICE  
7 DEPARTMENT, et al.,

8 Defendants.

9  
10 December 9, 2015  
11 8:30 a.m.

12 Before:

13 HON. KATHERINE POLK FAILLA,

14 District Judge  
15 and a jury

16 APPEARANCES

17 ROBERT J. BOYLE,  
18 GIDEON ORION OLIVER,  
19 ABRAHAM J. HASSEN,  
Attorneys for plaintiff

20 MICHAEL A. CARDOZO,  
21 Corporation Counsel for the  
City of New York  
22 100 Church Street  
New York, New York 10007

23 DANIEL LOUIS PASSESER,  
TAVISH CORYELL DeATLEY,  
Assistant Corporation Counsel

24  
25 SOUTHERN DISTRICT REPORTERS, P.C.

FC9JJENF

Trial

1 (Trial resumes)

2 (In open court; jury not present)

3 THE COURT: Good morning, everyone. Thank you for  
4 coming in early this morning. Please be seated.

5 Mr. Boyle, where is your client?

6 MR. OLIVER: Your Honor, if I may respond to that?

7 THE COURT: Yes, sir. Excuse me.

8 MR. OLIVER: I may have more information than Mr.

9 Boyle, is the only reason I am volunteering.

10 THE COURT: Of course.

11 MR. OLIVER: I did communicate the court's direction  
12 to be here at 8:30 to my client. He acknowledged that he  
13 received that direction this morning, but I have not heard from  
14 him since then.

15 THE COURT: Okay.

16 MR. OLIVER: I did hear from him this morning and I  
17 also know that he expressed the desire to be present, to be  
18 notified of and be present at any conference or communication  
19 with the court about this matter.

20 THE COURT: Of course. It would seem to me that I  
21 cannot at this juncture resolve what I understand to be a  
22 motion to withdraw without hearing why you wish to withdraw,  
23 and I don't think I can do that in his absence.

24 Do you agree, sir?

25 MR. OLIVER: I do agree.

FC9JJENF

Trial

1 THE COURT: All right. At some point -- and that  
2 point is going to come in about 10 minutes -- we need to do  
3 something. I don't know how you get to make the motion to  
4 withdraw without him here. There are bigger issues with him  
5 not being here at the appointed hour. For the moment I believe  
6 there are other things I can do. Let me focus on those. I am  
7 actually -- this one goes to Mr. Boyle? You'll tell me.

8 I have a question for you about the public records  
9 exception. It is a continuation of what we were talking about  
10 yesterday and, sir, certainly if you want to think about this  
11 some more, you may.

12 My understanding from reading up on the public records  
13 exception was that the reason for the reliability of public  
14 records stems from two things, and one is that it is  
15 anticipated that if someone has a legal duty to make certain  
16 reports, they will, in fact, discharge that duty and you can  
17 trust on the reliability of the courts because they're  
18 obligated to do them.

19 Secondly is the notion of inconvenience, the idea a  
20 government official or public official who is responsible for  
21 preparing these reports should not be or might not want to be  
22 inconvenienced by coming in to testify at trial. Do you have  
23 that same understanding?

24 MR. BOYLE: Yes, your Honor.

25 THE COURT: These are some of the purposes?

FC9JJENF

Trial

1 MR. BOYLE: Amongst others.

2 THE COURT: Yes, of course.

3 The issue for me, sir, is unlike the warrant and  
4 notices, I don't know, and perhaps you can find out if there is  
5 some obligation or duty -- legal, regulatory or otherwise -- on  
6 the part of individuals affiliated with the Parole  
7 Department -- is it the Department of Community --

8 MR. BOYLE: It is the --

9 (Multiple voices)

10 MR. BOYLE: It was by that time a part of DOCCS,  
11 Division of Parole.

12 THE COURT: Okay. We'll call it the Division of  
13 Parole. I know that these were chronological entries. That is  
14 what they appear to me to be. They look to be basically the  
15 same thing I have done in connection with my cases to keep  
16 notes for myself and my law clerks about what is going on in a  
17 particular case.

18 I, for example, don't have a duty to write these notes  
19 down. I do so because it is convenient and makes sense, and if  
20 I stop being a judge tomorrow, the person who takes my place  
21 can figure out what happened.

22 But, but, as all hypotheticals, but I don't know  
23 whether the reason why Mr. Watkins and Mr. Peart had these  
24 chron entries is because they have an obligation to do so or  
25 they simply find it convenient to do so. For me that may



FC9JJENF

Trial

1 matter in the determination whether or not these items are  
2 public records. I just wanted to give you that heads-up, and  
3 you might want to think about that some more, or if you know  
4 already, you can talk to me about it now.

5 MR. BOYLE: I don't know already and I would like to  
6 think about it some more.

7 I would add, the argument is very much based on the  
8 face of the rule, which says if it is a public record which on  
9 its face documents -- and I am paraphrasing because I don't  
10 have it in front of me -- the activity, actions of the agency,  
11 and what your Honor was speaking of is certainly the theory of  
12 why the exception should exist, but I would submit the words,  
13 "on its face" and I go also back to Judge Weinstein, if on its  
14 face it sets forth the activities of the agency, and in this  
15 case addressing solely the chronological file, it memorializes  
16 primarily the conversations we would be seeking to enter,  
17 conversations between Parole Officer Watkins and his  
18 supervisor, Mr. Peart.

19 I understand there are some entries in the  
20 chronological, a message from Mr. Jenkins and a message from  
21 Ms. Hamilton --

22 THE COURT: Yes.

23 MR. BOYLE: -- which might not fall into that because  
24 it is not the activities of the agency. So if the court was,  
25 if the court was inclined not to admit all of it, I would

FC9JJENF

Trial

1 certainly say that the memorializations of the communications  
2 between Mr. Watkins and Mr. Peart I think, is his name, do fall  
3 on its face, fall under the rule.

4 THE COURT: Okay. I am going to ask to talk to the  
5 folks at the back table. Mr. Passeser, is it you or Mr.  
6 DeAtley this morning and do you want some time to think about  
7 this?

8 MR. PASSESER: I would just say, your Honor, with  
9 respect to the entries in the chrono report, it is my  
10 understanding, based on the face of that document, those  
11 entries reflect the activities not of the Division of Parole,  
12 they reflect the activities of Parole Officer Ralph Watkins.

13 THE COURT: Are they not employees of the Division of  
14 Parole?

15 MR. PASSESER: They are, but it is not an official  
16 agency function. It is one employee's notes. If he wants to  
17 come in and testify and lay a foundation for the public records  
18 exception, that is one thing.

19 THE COURT: I am not going to correct you. I think  
20 you would agree with me that if he were to come in here, there  
21 would clearly be a business records function that could be  
22 made?

23 MR. PASSESER: Could be made.

24 THE COURT: I think the public records exception is  
25 one foundation that does not have to be made. I understand

**Barket Marion Epstein & Kearon, LLP**

Attorneys at Law

666 Old Country Road, Suite 700  
Garden City, New York 11530  
[P] 516.745.1500 • [F] 516.745.1245

5 Columbus Circle, Suite 710  
New York, New York 10019  
[P] 212.972.1710  
[Send mail to Garden City]

[www.barketmarion.com](http://www.barketmarion.com)

November 3, 2016

**via FIRST CLASS MAIL**

New York State Department of Corrections  
Division of Parole  
Regional Director Drayton  
314 West 40<sup>th</sup> Street  
New York, New York 10018

Dear Ms. Drayton:

I am writing this brief letter to memorialize our telephone conversation from this past Friday, October 28, 2016. A more detailed letter with pertinent dates and facts is forthcoming.

I called you regarding Claim #20160313-509091-[W] (see attached) and informed you that I represent the parolee, Mr. Norman Jenkins.

I informed you that Mr. Jenkins has been subjected to unlawful treatment and that he had put in the above-referenced claim to investigate unlawful conduct committed by employees of the Division of Parole.

I also informed you that the Mr. Jenkins' complaints and concerns regarding the Division are the subject of litigation pending in the United States District Court for the Southern District of New York and that the Judge hearing Mr. Jenkins' claims, informed me that I should call the Division regarding Mr. Jenkins' concerns.

Specifically, Mr. Jenkins' concerns date back to the year 2009 when he was arrested on May 22, 2009 and when the charges against him were dismissed because as clearly indicated in the Division's chronological, on June 5, 2009, PO Pagan of the 23<sup>rd</sup> precinct stated "that during their investigation it was determined that the subject was only defending himself against the attacker so they withdrew the charges."

On August 16, 2009, Mr. Jenkins was arrested again and, it was determined by the arresting officer as well as by the ADA (Assistant District Attorney) handling the case that the complaining witness was not credible.

At that time, Area Supervisor Javis Jenkins told Mr. Jenkins that even though these charges got dismissed, he was going to get Mr. Jenkins sent back to jail.

On May 22, 2010, Mr. Jenkins was arrested again. PO Watkins went to see Mr. Jenkins after this arrest. He saw that Mr. Jenkins had been assaulted and he handed Mr. Jenkins an arrest report along with the violation report. The arrest report had the false charge of trespassing and also contained the name, Zulfiqar Ahmed as the arresting officer.

The NYPD arresting officer for this case was Victor Charles. Victor Charles would not and did not incorrectly list his own name. The arrest report which Mr. Jenkins was handed and which we still have which incorrectly lists the wrong arresting officer, is a different arrest report than that which was generated by NYPD.

When the parole hearing for this arrest was to take place, it had to be adjourned several times and was adjourned at the Division of Parole's request, because the "wrong arresting officer" was subpoenaed for the hearing, demonstrating that the documentation contained "the wrong arresting officer."

Parole Specialist Shaw actually prepared a notification for the wrong officer and the officer who was incorrectly listed on the arrest report – proving that this incorrect name was on the arrest report.

It was and is no coincidence that this "wrong arresting officer" listed is an arresting officer from one of Mr. Jenkins' prior arrests. As stated previously, and which warrants repetition, an arresting officer prepares his own arrest report; he would not incorrectly list his own name. This arrest report was changed.

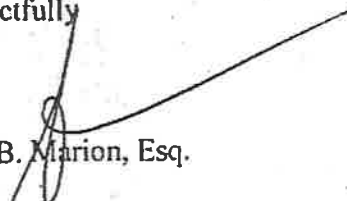
Ultimately, the Division of Parole recommended ten (10) month time assessment. However, the ALJ specifically noted and stated that this "seems too severe for one curfew violation established after a period of more than 2 years of satisfactory compliance and adjustment for a 1<sup>st</sup> violation." Thus, the ALJ recommended a revoke and restore to supervision.

This certainly must have infuriated Mr. Jenkins' parole officer and area supervisor who continued to harass and unjustly violate Mr. Jenkins' rights and liberties.

These charges of injustice are the subject of Mr. Jenkins' lawsuit pending in the United States District Court for the Southern District of New York.

Thank you for your attention to this matter and to our concerns.

Respectfully

  
Amy B. Marion, Esq.

To:

District Judge Vernon S. Broderick  
U.S. Courthouse  
Southern District of New York  
40 Foley Square  
New York, NY 10007

NYS Board of Parole  
Tina M. Stanford  
Chairwoman  
Central Office  
97 Central Avenue  
Albany, NY 12206

Mr. Eric Schneiderman  
Attorney General  
120 Broadway  
New York, NY 10271

New York State Department of Corrections  
Division of Parole  
Regional Director Warthall  
14 Bruckner Boulevard  
Bronx, New York 10454

On Mon, Mar 14, 2016 at 6:04 PM, <[NYSDOCCS@doccs.ny.gov](mailto:NYSDOCCS@doccs.ny.gov)> wrote:

\*\*\*\*\*

New York State Department of Corrections and Community Supervision

Facility Operations

Regarding (20160313-509091-[W])

\*\*\*\*\*

This is in response to your inquiry dated 3/13/2016.

You need to contact the Office of Community Supervision at 212-239-6355.

Click here to see facility address list: <http://www.doccs.ny.gov/facilist.html>

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Your Inquiry:

im on parole but in 2010 parole violated my constitutional right in a kangaroo court hearing when they switch presiding officers two times and continue to use a warrant that had no probable cause to hold me and violated my parole twice im in the southern district now im asking that i be discharge from parole because to continue to supervise me is a miscarriage and continuing abuse of process

\*\*\*\*\*

Do not reply to this message. All inquiries need to be made in writing to:

New York State Department of Corrections and Community Supervision

Building 2

1220 Washington Avenue

Albany, New York 12226-2050

Or, through our website at:

<http://www.doccs.ny.gov/contactus.htm>

\*\*\*\*\*



From: **Norman Jenkins** <[normanjenkins47@gmail.com](mailto:normanjenkins47@gmail.com)>  
 Date: Wed, Mar 16, 2016 at 7:08 AM  
 Subject: Re: Automated Delivery from [NYSDOCCS@doccs.ny.gov](mailto:NYSDOCCS@doccs.ny.gov)  
 To: [NYSDOCCS@doccs.ny.gov](mailto:NYSDOCCS@doccs.ny.gov)  
 Cc: [Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)"  
 <[Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)>

Please help me the division of Parole is trying to kill me i won a summary judgemnt every time i tell them to dischatge me for what they did they threaten mr with jail im afraid for me and my sons life 2. The Court Denies Summary Judgment as to Plaintiff's Malicious Prosecution Claim A plaintiff bringing a claim for malicious prosecution under New York law must satisfy four elements: "[i] that Defendants either commenced or continued a criminal proceeding against him, [ii] that the proceeding terminated in his favor, [iii] that there was no probable cause for the criminal proceeding, and [iv] that the criminal proceeding was instituted with actual malice." *Bernudez v. City of New York*, 790 F.3d 368, No. 14-1125-cv, 2015 WL 3650756, at \*6 4 The Second Circuit, in *Townes v. City of New York*, found that a Section 1983 plaintiff could not recover damages for an arrest supported by probable cause even where the initial stop was unlawful, but found that the plaintiff "may have been entitled" to damages stemming from "the brief invasion of privacy related to the seizure and initial search of his person." 176 F.3d 138, 149 (2d Cir. 1999). Courts considering *Townes* have since found that plaintiffs may recover damages from a false arrest subsequently supported by probable cause, where such damages are limited to the period between the arrest and the acquisition of probable cause. *Morgan v. City of New York*, No. 12 Civ. 704 (WFK), 2014 WL 3407714, at \*4 (E.D.N.Y. July 10, 2014); *Lust v. Joyce*, No. 05 Civ. 613 (GLS)(RFT), 2007 WL 3353214, at \*2 (N.D.N.Y. Nov. 9, 2007). Case 1:13-cv-03405-KPF Document 58 Filed 08/06/15 Page 10 of 19 11 (2d Cir. June 15, 2015). "While police officers do not generally 'commence or continue' criminal proceedings against defendants, a claim for malicious prosecution can still be maintained against a police officer if the officer is found to 'play[] an active role in the prosecution, such as giving advice and encouragement or importuning the authorities to act.'" *Id.* (quoting *Manganiello v. City of New York*, 612 F.3d 149, 163 (2d Cir. 2010) (alteration in *Manganiello*)). The parties' positions concerning Plaintiff's malicious prosecution claim have, to put it gently, evolved over the course of the briefing; for this reason, the Court focuses on the arguments contained in each side's reply submissions, which contain the most complete articulation of their positions. Defendants do not contest that Plaintiff has at least raised a disputed issue of material fact with regard to each of the elements of a malicious prosecution claim when considering Plaintiff's criminal prosecution — which, it bears noting, was terminated some thirteen months after his arrest. Yet the parallel revocation of Plaintiff's parole for eleven months plays a confounding role. Plaintiff argues that Defendants' initiation of the criminal prosecution caused a separate set of damages stemming from the concurrent decision to revoke his parole, which revocation he argues was proximately caused by the prosecution; thus, the evolution of his parole revocation sentence from revoke and restore, to twelve-month hold, to revoke and restore with time served, gives rise to damages for the period of his incarceration due to his parole revocation. For Defendants, meanwhile, the independent decision to revoke Plaintiff's parole Case 1:13-cv-03405-KPF Document 58 Filed 08/06/15 Page 11 of 19 12 means that he cannot have suffered any deprivation of liberty directly caused by the criminal prosecution itself. The Court addresses each argument in turn. In the handful of cases in which plaintiffs have pressed similar theories — a malicious criminal

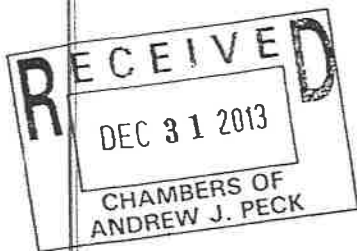


prosecution resulting in a deprivation of liberty via a separate revocation of parole — courts have struggled with whether the requirement of favorable termination applies to the criminal prosecution alone, or to both the criminal prosecution and the revocation of parole. The requirement of favorable termination stems from *Heck v. Humphrey*, 512 U.S. 477 (1994), which held that “a prisoner ... has no cause of action under § 1983 unless and until the conviction or sentence is reversed, expunged, invalidated, or impugned by the grant of a writ of habeas corpus.” *Id.* at 489. Yet the Second Circuit, carefully parsing the concurrences and dissent in *Spencer v. Kemna*, 523 U.S. 1 (1998), has endorsed Justice Souter’s position that “a former prisoner, no longer ‘in custody,’ may bring a § 1983 action establishing the unconstitutionality of a conviction or confinement without being bound to satisfy a favorable-termination requirement: that it would be impossible as a matter of law for him to satisfy.” *Id.* at 21 (Souter, J., concurring). See *Huang v. Johnson*, 251 F.3d 65, 74-75 (2d Cir. 2001); *Farrell v. Burke*, No. 97 Civ. 5708 (DAB), 2004 WL 2813175, at \*5 (S.D.N.Y. Dec. 8, 2004) (“That a majority of the Supreme Court justices have stated positions limiting the reach of *Heck* and allowing Section 1983 actions by former prisoners who are no longer in custody, has been acknowledged by the Second Circuit and district courts within this Circuit.” (collecting cases)), *aff’d*, 449 F.3d 470 (2d Cir. 2006). Case 1:13-cv-03405-KPF Document 58 Filed 08/06/15 Page 12 of 19 13 Following *Huang*, at least one court in this District has found that a plaintiff must prove the favorable termination of the parole revocation as well to press a malicious prosecution. *Dallas v. Goldberg*, No. 95 Civ. 9076 (LTS), 2002 WL 1013291, at \*11-12 (S.D.N.Y. May 20, 2002). Yet *Dallas* is distinguishable in two important respects from the instant case: First, the *Dallas* plaintiff had already “sought, unsuccessfully, to attack directly the parole revocation decision through administrative channels and to challenge collaterally the revocation through state habeas corpus.” *Id.* at \*2. The *Dallas* plaintiff thus had his bite at the apple via habeas corpus; to allow him to relitigate the validity of his conviction through Section 1983 would raise precisely the specter that *Heck* was designed to forestall. Second, the plaintiff pleaded guilty to two of the three charges at the final parole revocation hearing in *Dallas*, which was held after his criminal charges had already been dismissed; there was thus far less to demonstrate a causal connection between the prosecution of the criminal charges and the revocation of his parole than in the instant case. In a case more squarely on point, another court in this District found that a plaintiff whose parole was revoked while criminal charges were pending could bring a Section 1983 claim where he had been conditionally released from his parole revocation before having an opportunity to fully pursue his administrative or habeas remedies. *Hernandez v. Wells*, No. 01 Civ. 4376 (MBM), 2003 WL 22771982, at \*4 (S.D.N.Y. Nov. 24, 2003). Case 1:13-cv-03405-KPF Document 58 Filed 08/06/15 Page 13 of 19 14 Neither court squarely addressed the question before this Court: whether a claim for malicious prosecution can proceed when the favorable termination requirement is met only as to the criminal prosecution, and the parole revocation forms merely the basis of damages. This Court takes the position that nothing intrinsic to a malicious prosecution claim bars liability for the natural and foreseeable deprivations of liberty proximately caused by that malicious prosecution. Yet the requirement of proximate cause inherently incorporates *Heck*’s favorable termination requirement, as well as *Huang*’s exception: Where a plaintiff’s parole revocation is determined to be valid independent of the criminal charges, that plaintiff cannot establish the requisite causal link between the prosecution and the parole revocation. Meanwhile, where a plaintiff’s parole revocation has been favorably terminated, or where a plaintiff has been released from custody without a satisfactory opportunity to challenge the validity of that revocation, the plaintiff may press the argument that



the incarceration due to the parole revocation was proximately caused by the criminal prosecution. Applying this rubric to the instant case, Plaintiff was released before having an opportunity to challenge via habeas corpus the legitimacy of his eleven-month confinement for parole revocation. Accordingly, such confinement has not been confirmed to be valid, and Plaintiff is accordingly entitled to press a theory attributing the confinement to his criminal prosecution. Defendants alternatively argue, in their reply brief, that Plaintiff cannot establish a causal chain between their conduct and the Parole Board's decision Case 1:13-cv-03405-KPF Document 58 Filed 08/06/15 Page 14 of 19 15 to revoke Plaintiff's parole. (Def. Reply 5-6). "It is well settled that the chain of causation between a police officer's unlawful arrest and a subsequent conviction and incarceration is broken by the intervening exercise of independent judgment." *Townes v. City of New York*, 176 F.3d 138, 147 (2d Cir. 1999). Yet *Townes* contains an important exception: "At least that is so in the absence of evidence that the police officer misled or pressured the official who could be expected to exercise independent judgment." *Id.* The Second Circuit has subsequently elaborated on this exception to *Townes*'s independent judgment rule, noting the "tension" between "the principle that the intervening exercise of independent judgment will break a causal chain and the principle that defendants in section 1983 cases are liable for consequences caused by reasonably foreseeable intervening forces." *Zahrey v. Coffey*, 221 F.3d 342, 351 (2d Cir. 2000) (internal quotation marks and citations omitted). Resolving all factual ambiguities in Plaintiff's favor, the Court cannot conclude as a matter of law that Plaintiff's eleven-month incarceration for violation of his parole was not proximately caused by Defendants' conduct. The Court notes two factors compelling this conclusion. First, the Parole Warrant was issued based upon the criminal charges brought against Plaintiff — assault, resisting arrest, criminal trespass, and possession of marijuana (see Boyle Decl. Ex. 7) — which charges were themselves based upon Defendant Charles's statement (see Farrar Decl. Ex. H); a parole warrant may thus never have issued absent the allegedly false statements of the Officers. Second, the ALJ, considering merely the violation of curfew, found the Case 1:13-cv-03405-KPF Document 58 Filed 08/06/15 Page 15 of 19 16 appropriate remedy to be a revoke and restore, a finding affirmed by the Appeal Unit; the only actor to find a term of incarceration appropriate, the Parole Violation Unit, did not offer an explanation for its decision, raising the possibility that it acted in part based upon the criminal charges brought and the charges initially brought to the ALJ, but subsequently dropped. (See Farrar Decl. Ex. K, L; Boyle Decl. Ex. 5). The case is thus quite similar to *Hernandez*, in which the district court found that "[a] reasonable jury could conclude that Hernandez's incarceration resulted from Wells' claim that Hernandez punched him; if Hernandez had not been arrested and charged with assault, his parole may not have been revoked based on the alleged assault." 2003 WL 22771982, at \*11. Accepting, as it must at this procedural stage, that Defendants fabricated the statements underlying both the criminal charge and the charges originally presented to the Parole Board, the Court cannot conclude as a matter of law that such fabrication did not proximately cause the revocation of Plaintiff's parole. Accordingly, the motion for summary judgment as to Plaintiff's malicious prosecution claim must be denied the parole proceeding was malicious the attachment are the minutes to the hearings you see how the presiding officer kept changing that's illegal and if you continue to try and cage me after you violate me like that just discharge me because y'all wrong trying to arrest me leave me alone have sent these copies to every law agency and a federal judge who made this ruling in my favor continue and I will sue you for continue to abuse me y'all violated federal and state statutes executive law 259-D and 16 cfr

presiding officers and morrissey v Brewer you cant not violate a parole on erroneous information



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#

DATE FILED: 12/31/2013

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

BRIAN J. FARRAR  
Assistant Corporation Counsel  
Phone: (212) 356-2377  
Fax: (212) 356-1148  
Email: bfarrar@law.nyc.gov

December 30, 2013

**BY ECF**

Honorable Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

*The settlement conference currently scheduled for Jan. 8, 2014 is rescheduled to Wednesday, February 19, 2014 at 9:30 AM in Courtroom 20D.*

*No further extensions will be granted.*

Re: Norman Jenkins v. P.O. Victor Charles, et. al.  
13 Civ. 3405 (KPF) (AJP)

12/31/2013  
SO ORDERED:

*Andrew Jay Peck*  
Hon. Andrew Jay Peck  
United States Magistrate Judge

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendants Victor Charles, Robert Agate and Ramiro Ruiz in the above-referenced matter. For the reasons set forth below, the parties write jointly to respectfully request an adjournment of the settlement conference, presently scheduled for January 8, 2014 at 2:00 p.m. This is the parties' first request for an adjournment of the conference.

To date, plaintiff has not provided defendants with a settlement demand and thus, defendants have been unable to respond with a settlement offer in advance of the conference as required by Your Honor's Order. Additionally, there are outstanding discovery documents that defendants feel are necessary before substantive settlement discussions can take place. For instance, at the initial conference on November 6, 2013, defendants provided plaintiff with their initial disclosures and discovery demands. On November 26, 2013, plaintiff's counsel sought defendants' consent to provide plaintiff's initial disclosures by December 6, 2013, to which defendants agreed. However, plaintiff's initial disclosures were not provided until December 19, 2013. Said disclosures included copies of plaintiff's parole hearing minutes, which contains sworn testimony from several witnesses. The next day, on or about December 20<sup>th</sup>, plaintiff provided defendants with additional releases including, *inter alia*, releases for plaintiff's prison medical records, as well as parole records. The parties agree that these records are relevant to this matter and may have bearing on any potential settlement. Adjourning the settlement conference will help ensure that meaningful settlement discussions can occur.



# STATE OF NEW YORK-EXECUTIVE DEPARTMENT-DIVISION OF PAROLE AREA/BUREAU ANALYSIS

Name: Jenkins, Norman  
 Date of Warrant:  
 Warrant No.:  
 Date Enforced:

NYSID#: 5103178R  
 Location:  
 Book & Case No.:  
 (If applicable)

## SECTION ONE: BUREAU/AREA OFFICE ANALYSIS AND RECOMMENDATION

Parole Officer: WATKINS

Bureau: BRONX-IV

Preliminary Hearing: \_\_\_\_\_ Waived on \_\_\_\_\_ Held on \_\_\_\_\_ If preliminary hearing was held  
 probable cause found on charge \_\_\_\_\_ ( )  
 NA 8/16/09

EXECUTIVE DEPARTMENT  
DIVISION OF PAROLE  
OCT 16 2009  
OFFICE OF THE  
COMMISSIONER  
NEW YORK

### I RECOMMENDED ACTION:

- A. ☐ Declare delinquent as of \_\_\_\_\_ and arrange for Final Revocation Hearing. Absconder ☐ Yes ☐ No  
 B. ☒ No delinquency pending court action. C. ☐ No delinquency-no warrant issued.  
 D. ☐ Close case-delinquent time served—lift warrant on \_\_\_\_\_. E. ☐ Void previous Board decision of \_\_\_\_\_.  
 F. ☐ Declare delinquent as of \_\_\_\_\_ and arrange for Final Revocation Hearing. Refer to HHP, or other incarceration diversion program (specify: \_\_\_\_\_), and, if successfully completed, cancel delinquency pursuant to 9 NYCRR section 3904.3(g). If not successfully completed, return to Correctional Facility unless violation is dismissed at hearing.  
 G. ☐ No Delinquency warrant issued, lift warrant, return to supervision  
 1. ☐ No new Special Conditions 2. ☐ Special Condition: Enter and successfully complete TFP.  
 3. ☐ Special Condition: Successfully complete Electronic Monitoring for \_\_\_\_\_ months.  
 4. ☐ Other Special Conditions: \_\_\_\_\_  
 H. ☐ Cancel Delinquency  
 1. ☐ Restore to Supervision 2. ☐ Close by Maximum Expiration 3. ☐ Untimely hearing or non-curable service defect  
 4. ☐ Insufficient basis to proceed to hearing 5. ☐ Alternatives or information not available at time of DD

### II REASONS FOR RECOMMENDED ACTION

The subject was convicted of Manslaughter 1° and released from Queensboro C.F. on 3/24/09. The subject was arrested on 8/16/09 and charged with CPW 2° and Assault 2°. The subject was arraigned in Manhattan Criminal Court under Docket#2009NY064334, bail set at \$750.00 and case adjourned to 10/29/09. The subject secured bail and is at liberty, reporting biweekly. The subject has been admonished and is being given special condition prohibiting contact with complainant and the vicinity he was arrested. The investigation is continuing. The ADA prosecuting the case has asked that the Division not use the complainant as a witness in a parole hearing. Therefore, we recommend no delinquency pending court action while the investigation continues.

### III FOR THIS VIOLATION, ALTERNATIVES THAT WERE CONSIDERED AND REASONS WHY APPROPRIATE/NOT APPROPRIATE:

☐ Check box if Bureau Analysis Continuation Sheet is attached.

Submitted By W. Pearl  
 Senior Parole Officer \_\_\_\_\_ (Type Name)

Winston Pearl 10/1/09  
 (Sign) (Date)

X Board Action Required—Submit for Board review

☐ No Board Action Required  
 Declare delinquent as of \_\_\_\_/\_\_\_\_/\_\_\_\_ and arrange for Final Revocation Hearing. (If absconder, arrange for Final Revocation Hearing when apprehended)

Approved By J. Jenkins  
 Area Supervisor \_\_\_\_\_ (Type Name)

[Signature] 10/1/09  
 (Sign) (Date)

COPIES: Board/QC, Folder

FORM 4003.2 (5/04)



↓ Cycle 7 ↑

Violent Felony Offense

\* Cycle may not be supported by fingerprints

Arrest/Charge Information

Arrest Date: August 16, 2009 02:37 pm (14:37:00)

Fax Number M55859  
 Place of Arrest: NYCPD 25  
 Arrest Type: Unknown  
 Date of Crime: August 16, 2009  
 Place of Crime: NYCPD 25  
 Criminal Justice  
 Tracking No.: 63732700H  
 Arresting Agency: NYCPD PCT 025  
 Arresting Officer ID: 934693  
 Arrest Number: M09673973  
 Arrest Charges:  
 - Criminal Possession Of A Weapon-2nd Degree: Loaded Firearm  
 PL 265.03 Sub 01B Class C Felony Degree 2 NCIC 5299  
 - Assault 2nd Deg: Intent To Cause Physical Injury with Weapon/Instrument  
 PL 120.05 Sub 02 Class D Felony Degree 2 NCIC 1399

Court Case Information

- Court: New York County Criminal Court Case Number: 2009NY064334

August 17, 2009

Arraigned

- Menacing-2nd: Weapon  
 PL 120.14 Sub 01 Class A Misdemeanor NCIC 1316
- Assault 3rd Degree: With Intent To Cause Physical Injury  
 PL 120.00 Sub 01 Class A Misdemeanor NCIC 1399

August 17, 2009

Initial Report Of Docket Number

April 15, 2010

Dismissed, Failure To Provide Speedy Trial CPL30.30

- Menacing-2nd: Weapon  
 PL 120.14 Sub 01 Class A Misdemeanor NCIC 1316
- Assault 3rd Degree: With Intent To Cause Physical Injury  
 PL 120.00 Sub 01 Class A Misdemeanor NCIC 1399

April 15, 2010

Not Arraigned

- Criminal Possession Of A Weapon-2nd Degree: Loaded Firearm  
 PL 265.03 Sub 01B Class C Felony NCIC 5299
- Assault 2nd Deg: Intent To Cause Physical Injury with Weapon/Instrument  
 PL 120.05 Sub 02 Class D Felony NCIC 1399

April 22, 2010

Sealed Upon Termination Of Criminal Action In Favor Of The Accused CPL160.50

↓ Cycle 6 ↑

Violent Felony Offense

\* Cycle may not be supported by fingerprints

Arrest/Charge Information

PD



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

November 10, 2016

Amy B. Marion, Esq.  
666 Old Country Road, Suite 700  
Garden City, New York 11530

Re: Mr. Jenkins, Norman  
Din #89-A-3768

Dear Ms. Marion

I am in receipt of the correspondence dated November 3, 2016 regarding your client, Mr. Norman Jenkins. Please encourage Mr. Jenkins to surrender himself at any New York State Department of Corrections and Community Supervision area office to the warrant that was issued on October 13, 2016.

Respectfully,

A handwritten signature in black ink, appearing to read "Sabrina Drayton", written over a horizontal line.

Sabrina Drayton  
Regional Director

RECEIVED

NOV 14 2016

Barket Marion  
Epstein & Kearon, LLP

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1 harassing me. You know, this was the whole thing that I was  
2 basically trying to point out in the reconsideration that after  
3 you dismissed it, they basically were going to put disclaimers  
4 on me and all that. I'm going from through the same thing that  
5 was being hid from you. Like everything that I sent to you was  
6 being hid. What happened on August 16 when my retainer lawyer  
7 went inside a parole hearing and hid the fact that they called  
8 the wrong police officer that wouldn't show, the fact that the  
9 police report that was used was a fake police report.

10 Now, after it was dismissed, I'm locked up again. I  
11 haven't committed a crime. They locking me up for failure --  
12 for saying I failed to report, and that I -- I tested positive  
13 for cocaine. I have proof from a drug program that I didn't  
14 use cocaine. And they harassing me here. They try to prohibit  
15 me now just to try to get the phone just now. It's like  
16 everybody's in my business. It's like I'm in harm's way right  
17 now. And this parole has no jurisdiction over me. What they  
18 did back then, for them to continue to even try to supervise me  
19 and sanction me or anything is a violation of my constitutional  
20 rights.

21 And I understand that you walking away -- you want to  
22 walk away from this case, but I'm being prosecuted right now  
23 for what happened on August 10 -- I mean, pardon me, on May 22,  
24 2010. I have two parole officers that threaten my liberty and  
25 threaten me not to pursue what I'm pursuing right now. And I'm

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1 in the Department of Corrections, and they basically harassing  
2 me. Officers, they took my ID from me, took my money out of my  
3 account, illegally they took the money out of my account, took  
4 my ID and they told my I'm not going to make this call Monday,  
5 they're going to make sure I don't make this call Monday.

6 When I went to the parole hearing, you said that you  
7 inquired whether or not this had anything to do with my case.  
8 I'm in front of the same people, the same judge that did that.  
9 The parole specialist is now the deputy chairman. She did the  
10 exact same thing. She's altering the documents. I have proof.  
11 I have all the documents she gave to me. They switched judges  
12 on me. I have one judge that was going to allow to see the  
13 parole officer to come in because I have pictures to show that.

14 THE COURT: Mr. Jenkins, Mr. Jenkins, I need you to  
15 slow down, sir. You are going so fast. I'm not taking down  
16 everything you're saying. Go a little bit slower.

17 MR. JENKINS: All right. So when I was arrested, I'm  
18 doing the preliminary hearing. So when I went to the  
19 preliminary hearing, I was in front of a judge. When the judge  
20 asked me, I said I want to talk to the parole officer, so he  
21 adjourned it so I could see the parole officer. Leila Short,  
22 the same one on August 16 comes in on my parole where she  
23 switches up and sends the same judge back that doesn't allow  
24 for me to call this witness and basically finds me guilty of  
25 not reporting. One time -- out of being on parole for eight

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1 years, I don't report not one time, and you find probable cause  
2 saying that they come back with the other charges. They done  
3 switch judges on me three times, a presiding judge where I  
4 already pointed out to them, yo, listen, this is illegal. Now  
5 the Judge Landis that I pointed out to him, like, yo, listen,  
6 you illegally sat on my final hearing when you wasn't supposed  
7 to. It was supposed to be the Judge Vilitrani. I showed him  
8 the civil rules of why you can't just come on a case and  
9 qualify the case, and a judge can't substitute himself. He  
10 basically pushed my date all the way back to the 31st and  
11 started asking me questions, am I going to sue him? Am I going  
12 to sue him? I was like this has nothing to do with it. This  
13 has something to do with parole. And right now every  
14 proceeding that you're doing is illegal, and I'm asking them to  
15 cut me loose, to cut my loose. You don't have no jurisdiction  
16 over me no more, none whatsoever. You relinquished that. You  
17 can't continue to supervise me -- you can't say you didn't  
18 see -- August 16, admitted right there, that's what the  
19 defendants and my lawyers was hiding from me. I didn't get  
20 that until attorney Gideon gave me a hard drive. When I  
21 downloaded the hard drive, it had all these minutes in it that  
22 I been saying for the longest -- I didn't even have a chance to  
23 present it in a writ of habeas corpus and a Article 78 because  
24 they hid it. I didn't get it to Oliver. He gave it to me. It  
25 was Boyle's hard drive. They knew that. Then on top of that

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1 when they requested me for the deposition and asked me did I  
2 file a 50-h hearing, I said no. Boyle was right there that I  
3 didn't have a 50-h hearing, but then when I get his paperwork,  
4 when he gives me paperwork, I see where they did call me for a  
5 50-h and he put in a lawsuit and he muted it by saying that I  
6 was locked up on Rikers Island. Rikers Island delivers. They  
7 produce who you need to go to a 50-h hearing, and he never told  
8 me about that.

9 THE COURT: Mr. Jenkins. Mr. Jenkins. Mr. Jenkins.  
10 Again, sir, I want you to slow down, but let me speak for a  
11 moment. What I am understanding you to say is that right now  
12 you believe you should not be at Rikers Island because you  
13 believe that your term of parole was discharged and they had no  
14 basis to violate you. Do I understand that correctly, sir?

15 MR. JENKINS: That's what I'm saying, ma'am. They had  
16 no basis to violate me. None. They made up all that stuff.  
17 They made up everything, and they've been harassing me since  
18 I--

19 THE COURT: Two different things. Not whether they  
20 had a basis to violate you. I understood you to be saying that  
21 they don't even have -- that your time of supervision is done.  
22 Is that correct?

23 MR. JENKINS: OK. I want to explain why I said that,  
24 why I'm saying that.

25 THE COURT: Yes, sir.



G5GQJENC

1           MR. JENKINS: OK. Why I'm saying that, right, is that  
2     when -- when they locked me -- when they maliciously prosecuted  
3     me, right, and pushed me past the three years that I supposed  
4     to have, that when you do three years of unprovoked parole,  
5     they got to cut you loose, right. They got to cut you loose.  
6     And the fact that they was involved in illegally incarcerating  
7     me, they can't make me do another three years of unprovoked  
8     parole because you deny me equal protection of the law. You  
9     deny me my constitutional rights. The only remedy that they  
10    have is to discharge me on parole, but they continue to  
11    sanction me. They continue to parole me, and I've been  
12    bringing this to their attention since 2011.

13           THE COURT: Slow down, sir. Slow down, sir.

14           Mr. Deatley or Mr. Passeser, do you have knowledge of  
15    the maximum expiration date of Mr. Jenkins' parole term?

16           MR. DEATLEY: Yes, we do, your Honor. On the DOCCS  
17    inmate lookup website, which I'm pulling up at the moment, I  
18    could provide you with the exact date; but upon information and  
19    belief from looking this morning, it's sometime in 2017, your  
20    Honor.

21           THE COURT: I see. So, your position, sir, is that if  
22    there is a basis to violate Mr. Jenkins -- and I'm not  
23    necessarily saying there is -- they have the ability to do  
24    that. It's not as though they lack jurisdiction because his  
25    time of supervision has ended.

CMSCHRON\* \* \* NEW YORK STATE - DOCCS \* \* \* DATE: 05/24/2016  
 COMMUNITY SUPERVISION PAGE: 1  
 PAROLEE CHRONO REPORT  
 FROM 12/16/2015 THRU 04/08/2016

NAME: JENKINS, NORMAN  
 NYSID: 05103178R  
 DIN: 89A3768

AREA: MANHATTAN II  
 SPO NAME: SHAW, LEELEITH  
 PO NAME: GRAUBARD, DAVID

DATE	TIME	TYPE	ACTIVITY	LOCATION
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ENTERED BY: COCHRAN, FAITH  
 04/08/2016 09:54AM OTHER WORK  
 CASE FORWARDED TO PVU.  
 SPO REVIEW: NONE

AREA OFFICE

ENTERED BY: COCHRAN, FAITH  
 04/08/2016 09:30AM OTHER WORK  
 PRELIMINARY HEAR  
 PRELIMINARY HEARING HELD ON THE ABOVE DATE. PROBABLE CAUSE FOUND. FINAL HEARING SCHEDULED FOR 4/19/16.  
 SPO REVIEW: NONE

ENTERED BY: COCHRAN, FAITH  
 AREA: MANHATTAN II SPO NAME: PAREDES, CLAUDIO PO NAME: COCHRAN, FAITH  
 04/05/2016 10:15AM CASE CONFERENCE AREA OFFICE  
 CASE CONFERENCED WITH SPO PAREDES. PRELIMINARY HEARING AND ADJOURNMENT DISCUSSED.  
 SPO REVIEW: NONE

ENTERED BY: COCHRAN, FAITH  
 AREA: MANHATTAN II SPO NAME: PAREDES, CLAUDIO PO NAME: COCHRAN, FAITH  
 04/04/2016 08:30AM OTHER WORK PRISON/JAIL  
 PRELIMINARY HEARING ADJOURNED UNTIL 4/7/16. S REQUESTED A WITNESS, SPO PAREDES

SPO REVIEW: NONE

ENTERED BY: COCHRAN, FAITH  
 AREA: MANHATTAN II SPO NAME: PAREDES, CLAUDIO PO NAME: COCHRAN, FAITH  
 03/23/2016 12:09PM OTHER WORK AREA OFFICE  
 PRELIMINARY HEARING SCHEDULED FOR 4/4/16 FINAL SCHEDULED FOR 4/14/16  
 S IS CURRENTLY BEING HELD AT VERNON C. BAIN CENTER UNDER BOOK AND CASE # 980160 0274.  
 SPO REVIEW: NONE

ENTERED BY: BROWN, JOANNA U  
 AREA: MANHATTAN II SPO NAME: PAREDES, CLAUDIO PO NAME: COCHRAN, FAITH  
 REPORT TAKEN BY: BROWN, JOANNA  
 03/22/2016 09:20AM OFFICE REPORT W/PAROLEE  
 SUBJECT TAKEN INTO CUSTODY WITH ASSISTANCE PONWANKAMA SUBJECT SERVED COPY OF VLP 9011 REQUESTED PRELIMINARY HEARING 4/4/16 FINAL 4/14/16  
 SUBJECT PICKED UP OPERATIONS MADNESS TEAM FOR TRANSPORT  
 SPO REVIEW: 03/22/2016

ENTERED BY: ROSADO, RICHARD  
 AREA: MANHATTAN II SPO NAME: PAREDES, CLAUDIO PO NAME: COCHRAN, FAITH  
 03/21/2016 12:26PM TELEPHONE FROM OTHER  
 TF FEDERAL DISTRICT COURT JUDGE FAILLA 212-805-0290. JUDGE FAILLA RECEIVED A LETTER FROM P INDICATING THAT DOCCS ISSUED A WARRANT FOR HIM ALTHOUGH HE HAS DONE NOTHING WRONG. HE HAS ASKED THE JUDGE TO INTERVENE ON HIS BEHALF. JUDGE HAS CONNECTION TO P IN A CASE WHERE P FILED A SUIT AGAINST NYC POLICE DEPT. JUDGE HAS RULED AGAINST P. P INDICATED THAT  
 SPO REVIEW: NONE